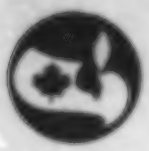

CANADIAN TEACHERS' FEDERATION

A CTF REPORT

1987 SEMINAR REPORT

THE MANAGEMENT OF FRENCH-LANGUAGE SCHOOLS

SEMINAR REPORT

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THE MANAGEMENT OF FRENCH-LANGUAGE SCHOOLS

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FOREWORD

In 1984, the French Language Commission organized a national seminar on "The Worklife of Francophone Teachers in Isolated Situations". During that seminar, the participants often spoke of the need for Francophones to manage their own schools.

Having studied the issue, the Commission decided to hold a national meeting of the influential people involved in French-language education in Canada.

This recent seminar had the following goals: first, to give both Francophones and Anglophones the opportunity to learn about the diversity of specific situations across Canada; secondly, to launch a dialogue on the various management models for French-language schools, both in French and in English environments; and thirdly, to exchange enough information for participants to be able to initiate realistic action leading to concrete measures, upon returning to their respective jurisdictions.

More than one hundred people accepted the invitation. They came from all of the provinces and territories to represent teachers, departments of Education, parent associations, school trustee associations, universities and several other sectors.

This report is the product of the seminar discussions. It will be examined in its entirety next year by the Commission, which hopes that you will also study it and bring it to the attention of those who have a keen interest in French-language education as well as in the management of French-language education by Francophones.

SECTION 23 OF THE CHARTER:

ITS IMPLICATIONS FOR CANADIAN SOCIETY

Keynote address by Ronald J. Duhamel

"If there is so much going on with respect to Section 23 of the Charter, then why in the hell is so little happening?" This is one title which I considered for my address. While such a choice suggests some cynicism on my part with regard to the current situation of minority rights in education, I am optimistic that better days lie ahead. In the next few minutes I intend to raise questions, provide some response to each and finally make a number of suggestions regarding what might be done to ensure that more happens more quickly with regard to the Charter, Section 23.

The Charter, and more specifically Section 23, makes a number of important points about minority language education. Some of these are explicitly stated; others are implicit. Today, I should like to focus particular attention on two of these, one in each category.

The first point I choose to address is the one which I have labelled "direct"; that is, the Charter's reference is explicit and its intent, immediately clear. I am referring specifically to the statement which indicates that citizens of Canada have the right to have their children receive primary and secondary school instruction in either English or French, whichever happens to be the minority language of the province in which they reside. What is the current situation, province by province and territory by territory, regarding this right?

Key political and bureaucratic actors in various jurisdictions, with few exceptions would seem to suggest that there are few problems. However, this perception is not necessarily shared by people in the French-language community. Some French-speaking parents are still having difficulty attaining French-language education for their children. This is sometimes true where both parents are French-speaking; but even more so when one of the two parents has not been or is no longer French-speaking. As well, the question of facilities - unique facilities for French-language education - be it a school or a classroom(s) are often still beyond the reach of a number of French-speaking citizens. This is especially so when the numbers are small - a dozen or fewer pupils. The amount of French-language exposure in a school day is also problematic in several areas - both from the stance of the majority group decision-makers and also, on occasion, within the French-language communities themselves. Finally, most of us will recognize that "where numbers warrant" is a restrictive clause which has been judged to be inconsistent with the Constitution. It is also interpreted differently across Canada - a fact which causes further aggravation to francophone parents wishing to educate their children in French.

The second point I wish to address is one which I have labelled as "implicit", that is, the reading of Section 23 does not categorically state the point; however, if people familiar with the interpretation of the law were to read it, a large number in all likelihood would concur that a particular intent or direction is implied. Of course, I am talking about the right of francophone citizens to manage and control French-language education for francophone students - the governance of French-language education. To date we have had two judgements on this issue. Both the Ontario Court of Appeal and The Alberta Queen's Bench judgements indicated that the Charter, Section 23 implicitly requires that minority language parents manage and control their own classes and schools. Neither court rules conclusively on what management and control mean. However, a reading of the Ontario judgement indicates that at a minimum, there needs to be guaranteed minority language representation on school boards and other administrative authorities and that these representatives would have exclusive authority regarding minority language instruction and facilities including the expenditure of funds and the appointment of, and direction over, school administrators.

In the province of Quebec, English-speaking parents as a minority, have enjoyed these kinds of rights for a long time. However, the same cannot generally be said of francophone minorities in predominantly English-speaking provinces outside Quebec. Let me review quickly the current status of francophone minorities with regard to the governance of French-language education. Many of you know that the current government has publicly declared there will be a French-speaking board of trustees in the Ottawa-Carleton area, probably in 1988, to manage and control French-language education. This board will have the same rights as any other board in Ontario over the students under its jurisdiction.

As well, and related to homogeneous French-language boards such as the one described above, Ontario's Bill 75 introduced as of October 1, 1986, gives francophones the right to govern their own schools and classes. This new legislation provides francophone trustees the exclusive responsibility for governing French-language classes or schools. Similarly, this right applies to anglophone trustees where English-speaking pupils constitute a minority.

New Brunswick also has meaningful provisions for francophone management and control of French-language education for its francophone students. In fact, in terms of French-language education outside Quebec, without in any way denigrating what has been accomplished in Ontario, New Brunswick's model is the ideal and the ultimate: both English and French speaking New Brunswickers have their own school systems.

To date, apart from what has occurred in New Brunswick and what is in the process of being resolved in Ontario, there is no other province or territory which has seen fit to provide either a French-language board of trustees or to guarantee francophone representation on existing boards in cases where French-language classes or schools exist within a board's jurisdiction.

While the Charter's Section 23 implies such an interpretation, not all individuals are in accord. Some dispute that what is not directly stated therefore does not exist. Others have charged that the issue of governance of minority language education has been deliberately omitted and they have provided evidence for their position. Still others (including the Ontario and Alberta court dicisions) have said that the intent is implicit; therefore it exists. And we could further complicate the argument if, assuming that there is an implied right to control and manage education, we were to debate what is meant by management and control. Just think of the questions we could raise! "What is management?" "Management of what?" "What is control?" "Control of what?" "Is it right for management to control?" The possibilities for debate are endless!

But to my mind, the time for discussion and debate has passed. Article 23 of the Charter constitutes a recognition that without some protective provision within the existing provincial structures, minority language education would continue to erode - possible disappear. Something needed to be done to stop this loss and to attempt a reversal. The challenge now is to develop the approaches and mechanisms which will accomplish this goal. In so doing, parents, educators, bureaucrats and politicians must grapple with a number of issues and obstacles which prevent further progress.

First, we must recognize that French-speaking parents - francophones - want to have the same rights and responsibilities to direct and administer the education of their children as are presently enjoyed by anglophone school trustees throughout Canada. It is as simple - and yet as difficult - as that. Francophones want to be able to determine through the mechanisms currently available to their majority language counterparts, the type of education that their children will receive. The legitimacy of their claim is undeniable.

To date, the objections voiced with regard to this issue are unconvincing. "A dual system is too costly!" Really! How does New Brunswick, a province which is not as rich as most Canadian provinces manage it? "Not all francophones want their own unique system". That is true! It is the same situation in any community including the English-language group: different factions of a particular community want different approaches to a variety of issues. So, in terms of the French-language community, each community could choose what it prefers - the status quo or their own system. "Dual systems are potentially divisive!" Yes! But are not all systems potentially divisive? Here again, however, we have ample proof that this is not necessarily the case. In fact, it probably seldom is. Does anyone really believe that the Roman Catholic separate school system in Ontario - by virtue of the educational program it offers and the people who are involved with it as trustees, administrators and teachers - promotes divisiveness in that province or in the country? Does the Red River School Board in Manitoba, which has French-speaking trustees only, promote divisiveness? Of course not!

Clearly, these arguments are without great substance. Yet they often retard progress by inciting ungrounded fear and opposition within the majority language milieu, thereby contributing significantly to societal conflict and distrust.

Taking the governance issue one step further, "Why do francophones want their own school boards - or at the very least - to manage and control the education of their children?"

The answer is straight-forward: they know best what kind of education they want for their offspring and they think that they can do it better than can some other group. Francophones look at education differently than do their English-speaking co-citizens. For example, culture is an integral part of education for the francophone; it has considerably less importance in English-language schools.

English-language culture in Canada, has never really been threatened, at least, not to the degree that French culture has. Therefore, the priority of culture in each linguistic group is different. Possibly each of you has heard of a French-language school having a particular cultural activity and of the criticism which such a practice has engendered. In one group it is seen as an integral part of the program, in another, it is considered a "frill".

Increasingly, assimilation rates are climbing at unprecedented rates. Most of my English-speaking colleagues, primarily because they have never experienced such a situation, do not understand how difficult it is to maintain and enhance a minority language. Consequently, they often prescribe amounts of French-language instruction which are insufficient in order to reach the linguistic and cultural objectives which francophones have for their children.

Consider as well the disputes regarding transportation issues. Let me provide you with a concrete example. There is a situation whereby a French-speaking child whose parents want a French-language education for their son needs to be bussed 36 kilometers per day, one way. This is a long trip and an expensive one. The "majority logic" in this case is that the child would be better to attend a neighbourhood English-language school: it is closer and it would be a less costly venture for everyone involved. However, in the same division, a handicapped child travels further than the francophone child for an education and this situation is not questioned - as it should not be: the child requires an education. But why is it quite acceptable in one instance and not in the other?

Look, too, at the difficulties experienced in certain jurisdictions over appropriate school facilities. In Manitoba, and in Ontario, the two provinces I know best in terms of French-language school facilities, the acute conflict caused by such requests are difficult to believe. Most recently, in this province, approximately 7 years ago, there was a request for a French-language school. Ultimately, the school was built over the objections of many English-speaking people who said that it would be a "white elephant". In actual fact, the school is already overcrowded and an addition will be built soon. The Penetanguishene situation in Ontario is another where the request of francophone parents for a French-language school was met with stiff opposition. The conflict was long and bitter and a study group's recommendation for the construction of a school was met only after considerable delay. In fact, it was not fully resolved until a court ruled on it in 1986.

There are many other similar incidents which I could relate to you. The bottom line is that many francophone parents believe that the current situation with respect to the education of their children is unacceptable. Access to French-language education is often problematic - sometimes limited and often non-existent. Facilities are sometimes less extensive and comprehensive than those enjoyed by the English-language majority and all too frequently totally lacking. Francophone parents are determined to have a greater say in the education of their children, and will continue to lobby and to press for autonomy in school governance. I have no doubt that ultimately they will succeed. My concern is when and how many pupils will be left to enjoy the benefits of their efforts. I would hope that one of the major objectives of this conference is to determine what might be done to ensure that the Charter - as it is written - and as it needs to be operationalized - is in fact implemented throughout the whole of this great country. Much has been said and written about the Charter, and more pointedly for our purposes, about Section 23. But with the exception of New Brunswick and Ontario, not a whole lot has been accomplished. Why? And what might be done in order to correct this deficiency?

Several thoughts come to mind.

Traditionally, historically, the majority population, with few exceptions, is unwilling to give a minority such as the francophones equal status. Many may be holding on to definitions of "democracy", "governance" and like terms which are passé. For example, there is a common notion that in a democracy, the majority rules. That may be the case! But what exactly does the majority "rules" mean? Impose its collective will? If that were the case, our society would be quite a lot different today from what it is. In a number of instances, the concept of majority-rule as we know it, is neither appropriate nor workable in a complex society such as ours. For example, if a majority of people were to decide to take any action which could jeopardize the stability of the country, a province or a community, is that acceptable action?

In society generally, there is little evidence if any, that a majority group will share its power willingly. Often, it is unwilling to share because it fears change: it sees all kinds of demons about to threaten its status and prestige, its power base. Clearly, whenever any group, majority or minority, feels that its position is going to change, possibly for the worse, it is not going to undertake anything to precipitate such a situation.

For the most part, politicians have been unable and/or unwilling to make the decision to provide governance mechanisms. Think for a moment about the last year here in Manitoba. The then Minister of Education indicated that talks with respect to Section 23 of the Charter should commence. And all hell broke loose! There were letters from the opposition, letters from established organizations, and so on. Virtually all activity ceased. A new Minister attempted to resurrect the issue. But the results were also unproductive. In other words, the political processes and mechanisms are such that if any politician and party were to tackle such an issue head on, in many instances, it risks its political life. There are very few people who are suicidal. I suspect that they are even fewer in number among politicians.

If the majority group is unlikely to share its power or agree to new structures, and if the politicians are unable and/or unwilling to move on such issues unless they have considerable support, what then, if anything, can be done.

While it is invariably a lengthy and a costly solution, francophones need to continue to go to the courts. The courts have provided minorities with the most protection to date - and in many cases, with the most progressive decisions. There have been some disappointments but generally the rulings have been favourable. Therefore, I, and many colleagues familiar with this question, believe that francophones must make a concerted effort, in every single province and in every single territory, to get the court to make rulings on those questions of importance to them and which they believe are protected by the Charter. Section 24 of the Charter, as I read it and understand it, presents real possibilities if that is the path they want to follow - as individual citizens or as organized groups.

But the courts cannot and will not do it all by themselves. If you look at both the Ontario and Alberta cases, you find that you still need political action. In constitutional interpretation, courts rarely go beyond saying whether or not a particular government action in question is constitutional. Courts seldom say what a government should or might do. Therefore the problem, at least in part, inevitably returns to government.

Strategically, and in a rather global sense, quite apart from going to court, what else might be done?

Current coalitions need to be nurtured. Equally important, new coalitions will need to be built. Only when the numbers are large enough to make a real difference in the political process will things really start to happen. Governments seldom act unless they judge that they will not get into serious difficulty. When people are on their side, and the more the better, actions are generally quicker and more dicisive.

Finally, I would suggest, that while one must never stop believing in miracles, effecting meaningful change in educational structures and governance is an extremely lengthy process which will require much hard work and planning and will demand the very best thinking from key francophone actors including those who care to help them. Being a member of a minority group most often means a lifetime commitment to the redressment of wrongs committed over lengthy periods of time; it also means, if the minority is to survive and thrive, that its children be ready, willing and able to carry on when their parents and leaders are no longer able to do so.

What I am advocating is a comprehensive plan, well thought out, that would involve the whole of Canada. More specifically, francophones and those people willing to work closely with them must answer questions such as the following and, having done so, decide in what sequence and within what timelines particular activities need to be pursued:

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1. Which political parties seem to be most sympathetic to these objectives? Can they be encouraged to work cooperatively across the nation?

2. Which politicians are most supportive of giving francophones the opportunity to govern the education of their children? Can they be asked to work more closely with each other and others who would be helpful?

3. Which groups - ethnic, Native, labour, business, church, youth, media - might support the francophone cause? Francophones and their supporters simply need to increase their power base - have more people willing to say that francophones ought to be governing the education of their children.

4. Which key actors - educational, church, business and other can francophones get to openly defend their right to govern the education of their children?

5. Which courts might be most willing to render a supportive judgement with respect to the question of governance? The more cases there are ruling in our favour of such a course of action, the greater the chances will be to have people move forward with the decisions which need to be made.

6. What impact can francophones have politically - even if they are sometimes small in numbers - on the political process at election time? Personally, I was delighted to hear that during the last provincial election in Manitoba, one thousand votes, strategically placed, could have given the N.D.P. a resounding majority; and, somewhat similarly, the same number of votes, strategically placed for the opposition, could have given it a working majority. Why was I heartened? Because small numbers can sometimes make a difference. And clearly, without wanting to hinder the majority, I am sympathetic to minorities and their aspirations.

7. What might be done to encourage francophone youths - and those with whom they work and play - to be sensitive to this cause, to the need of their support - now and in the future when the time comes for them to replace today's leadership?

8. Recently, in 1986, there was an important meeting of parents, a nationally representative group, who met in Montreal, to discuss French-language education, including the question of governance. Today, we have another group here in Winnipeg, examining this question again - possibly from somewhat different perspectives. These types of meetings must continue because they contribute to the solution of the problem in a variety of important ways: the sharing of information which leads to refined or new insights, the assessment of new developments and the encouragement of continued efforts.

In a December 26, 1986, edition of the Free Press, there is reference to the poor opinion held by a large part of the public regarding politicians. In a poll conducted for the annual review of Canadian Legislatures it is noted that the public's opinion of politicians, Parliament and provincial legislatures is getting worse. Similarly, in a recent issue of the Free Press, (January 8, 1987) it was stated that the justice system "is undergoing a major crisis of public confidence which threatens its integrity as a major institution of the civilized state." I would suggest that unless the political systems and the courts are able to deal quickly and efficiently with problems of importance to its citizens, among them, the governance of minority language education, our society is in danger of a steady decline into chaos and a "might is right" kind of mentality.

Section 23 of the Charter - its intent - must be resolved quickly. The future of Canada's large francophone minority is linguistically and culturally dependent upon its rapid and successful resolution. Further, its solution will no doubt provide some impetus for the resolution of other problems equally challenging in nature. For many of these issues, many people are saying that it is time to stop talking about them; now is the time for something to happen.

Since September 1986, Ronald Duhamel is a professor at the doctoral level at the Faculty of Education of the University of Manitoba. On leave this year from the Government of Manitoba, Dr. Duhamel will return to his position as Deputy Minister of Education.

PUBLIC EDUCATION IN NEW BRUNSWICK

THE ESTABLISHMENT AND OPERATION OF HOMOGENEOUS SCHOOL BOARDS

Translation of an address by Arthur Pinet

First, I will briefly review the history of schools in our province, and then describe the situation now prevailing, and end with a few personal views on the advances in French education in New Brunswick public schools.

Background

In 1871, a New Brunswick act known as the Common Schools Act officially established a system of non-confessional public education financed by mandatory local taxes and provincial government grants. Educational programs were then set by a provincial education board and all disciplines were taught from English-language texthooks, although French grammar and reading was taught in the so-called Acadian schools. No major legislative changes were made to the French aspect of the school system in New Brunswick over the 72 years following passage of the Act in 1871.

Around 1950, the Acadian schools from the turn of the century were renamed "bilingual schools" and a few additional French-language textbooks appeared. This situation continued until the 1970s, when most disciplines began to be taught from French-language textbooks in New Brunswick's francophone or bilingual schools.

On 1987, under the existing Schools Act, the New Brunswick school system's local and provincial structures, school programs and organization, planning, financial and management methods, and approaches to implementation and evaluation all reflect the bicultural and bilingual nature of the general population and school clientele.

This very quick and superficial historical overview admittedly fails to do justice to the repeated demands of the New Brunswick's Francophones over the past several decades for official recognition of French-language education in the province's public schools. The situation prevailing today is the result of those demands. The passage of the sections of the Schools Act governing the establishment of homogeneous school boards in New Brunswick dates back no further than 1981, yet 30 years earlier, in the 1950s, pioneers of the French cause in Acadia were already voicing their needs and aspirations in the area of education. The present school system in New Brunswick therefore reflects the political expression of the people's will, supported and endorsed by the governments in power since the major reorganization of 1967.

In truth, we would have to study in greater detail the entire period from passage of the Common Schools Act in 1871 to introduction of the county units system in 1943 to understand all aspects of the changes in New Brunswick's school system. But it was especially the 1960s in our province that launched the move for official recognition and democratization of French-language education.

A major reorganization involving administration and financing of essential government services, including education, in 1967, officially proclaimed under the Equal Opportunities Program set off a whole series of government actions gradually leading to official recognition in education of the cultural and linguistic duality of New Brunswick society.

In 1973, the report Education Tomorrow on educational planning in New Brunswick, containing more than 100 recommendations on the four major sectors of education—goals and objectives of the school system, educational programs, organization and administration, and financing—included a recommendation for reorganization of the central office of the Department of Education on the basis of linguistic duality. Linguistic duality in the Department of Education was approved and implemented in 1974.

In 1976, an interdepartmental committee representing Education, Justice, Treasury Board and the Council of Ministers Secretariat, recommended the necessary action to implement this same report's recommendations on financing of school boards and on the Schools Act. These changes were introduced in 1977.

Not all of the changes to the school system recommended and implemented by the Government of New Brunswick in the 1970s involved school boards. Linguistic duality was established in the Department of Education but at the local level, there were at least five categories of school boards and establishments:

- unilingual anglophone school situations;
- unilingual francophone school situations;
- bilingual school situations;
- anglophone school situations with a francophone minority;
- francophone school situations with an anglophone minority.

The operational and communications difficulties affecting bilingual school boards and repeated and increasingly more detailed demands by the francophone minority, through its associations and organizations, added to the highly successful experiment with linguistic duality in the Department of Education since 1974, persuaded the Government of New Brunswick to establish in 1980 a new task force on organization and establishment of boundaries for school districts.

The task force's mandate was to conduct a study and make recommendations on the organization and delimitation of school districts, based on the following factors:

- geographic distribution;
- demographic distribution;
- linguistic distribution;
- dispensing of educational and administrative services.

Following the task force's report, the New Brunswick Legislative Assembly in the spring of 1981 passed amendments to the Schools Act and its regulations governing the establishment of minority-language school boards, the organization of schools based on primary language and the distribution of school boards on the basis of language. Another amendment recognized the election of all school board members.

The 1981 amendments to the Schools Act thus recognized three categories of school boards, all organized, however, on the basis of primary language:

- anglophone school boards;
- francophone school boards;
- minority language school boards (one anglophone and three francophone) operating under special status, with members appointed by the Minister of Education.

By ministerial order dated 30 August 1985, the minority language school boards changed status and in future were required to operate under the same standards and with the same independence as all other school boards on the province. Their members are elected and the boards have educational and administrative structures similar to all other school boards.

Today

Responsibility for administration of the school system in New Brunswick today is shared by the Department of Education and 42 school boards. Twenty-seven of these are English-language and 15 are French-language. Of course, several school boards for different mother tongues cover the same geographic areas. We have two overlapping school board maps in several regions of the province.

Placement of students in a region where there are two school boards with different official languages is governed by section 3.3 of the Schools Act, which specifies methods for placement of the school clientele in question.

The New Brunswick school system today is organized on the basis of primary language in all operational sectors, from elementary to university, and both the local and provincial levels.

The Department of Education operates on the basis of parallel management in the educational, administrative and financial fields.

The sector of services common to the Department is limited to administration of certain support services required for smooth operation of the anglophone and francophone sectors responsible for communications with local school boards in the areas of education, administration and finance. General management of the Department of Education is handled by a committee consisting of the two titular deputy ministers and three assistant deputy ministers responsible for the three sectors just named.

The centralizing nature of our school system requires very close contact and fairly special working relationships between provincial school authorities and local officials. Section 6 of the New Brunswick Schools Act grants full powers to the Minister of Education over educational programs and section 9 assigns full responsibility for financing of public education to the province.

As mentioned earlier, the school system in New Brunswick is administered locally by 42 school boards, 27 of which are English-language and 15 and French-language. We serve a school clientele of 139,023 students, with 92,705 of these enrolled in English schools and 46,318 in French schools. The smallest district in the province in terms of enrolment is district 54, with 240 students, and the largest is district 20, with 16,211.

School boards in New Brunswick are legally incorporated bodies consisting of 9 or 11 unpaid members, all elected to three-year terms. School board chairpersons are chosen by vote of the elected members, once each year. In francophone districts 52 (Saint John) and 53 (Newcastle), the school boards play a double role of school board and community council.

General administration of a school district is entrusted to a director general appointed by the school board. Each director general is provided with technical, administrative and educational support staff hired locally within the credits allocated each year and distributed by district through a system of provincial staffing standards.

The wage budget allocated to each school board for teaching professionals is established on the basis of the district's actual school organization and a set of staffing standards related to the accredited educational programs and services that must be offered in each district of the province, regardless of its geographic, demographic or linguistic situation.

That, in a few lines, is the history of the establishment and operation of homogeneous school boards in New Brunswick. With some 30 years' experience in teaching in New Brunswick, I have had the opportunity to fully experience each stage in the growth of French-language education in my province. The progress achieved is obviously quite considerable and the accomplishments are many and very valuable.

The Role of French Schools

On the North American continent, school as an educational and learning institution is directly linked to the functioning and aspirations of the community.

Its organization and operations reflect the very texture of the population it serves. I have learned by experience that in a minority situation, the school, or the school system that encompasses it, always plays this same role, but its missions is somewhat special, more aggressive and more closely identified and linked with the social, cultural, linguistic and

economic characteristics of its clientele. While reflecting and respecting the aspirations of the population it serves, it must also act as an agent for change. This is a double role that, at first glance, may seem a little contradictory, but if properly understood and accepted by all of the major players in the school environment--students, parents, teachers and administrators--it is the very guarantee of survival and growth of French-language schools in minority communities.

I would like to end this brief study with some of my very personal views on certain factors deemed essential for preservation and growth of French-language education in minority communities. The following are a few that I consider very important:

1. A clearly identified francophone population with a strong desire for a French-language school system;

2. A sufficiently large clientele for establishment of a viable system;

3. The presence of structures for development, operations and communications;

4. Equitable and assured public financing;

5. Physically separate facilities that meet the requirements of programs suited to students' needs;

6. Competent teaching staff committed to the objectives of the school and the system;

7. Essential educational support;

8. A school program designed, developed and delivered in French;

9. Educational material well suited to the school program;

10. The collective setting of goals and objectives for the school system, stated as simply as possible and in the most measurable terms possible;

11. The establishment and maintenance of a school atmosphere that promotes a French cultural identity;

12. A full appreciation of the school clientele, and its academic, cultural, sporting and social achievements.

Society expects a lot from public schools. In a minority situation, it expects even more. This is a major challenge, but we all accepted that challenge when we chose a career in education.

Arthur Pinet is Assistant Deputy Minister with the New Brunswick Department of Education and co-author of the 1972 Pinet-McLeod report which led New Brunswick to accept linguistic duality in the Department of Education.

BILL 3 IN QUEBEC

Translation of an address by Raymond Johnston

Serge Lévesque probably should have introduced me by telling you that I would speak more about an abortion than a birth...

I am pleased to be able to participate in your meeting today and give you some idea of our view of the changes in educational structures and educational law in Quebec. The situation in Quebec differs in many ways from that encountered in each of your respective provinces, but does still share some characteristics and objectives with the battles you are waging in your own jurisdictions.

Quebec, as we all know, is the only officially French province in Canada, but the language situation there still poses some rather sticky problems. Although the majority of residents are Francophones, there is still a sizeable anglophone minority that in some respects may reasonably claim to be part of a Canadian and North American anglophone majority. In recent years, a lengthy debate has raged on the methods to be used to foster and sustain a French Quebec.

Since the late 1960s, the language issue has been a dominant factor in the political history of Quebec. We should remember that the legislation still in force in Quebec, although denounced by some, grants the anglophone minority clear educational rights. Anyone who was educated in English in Quebec has the right, even under Bill 101, to enrol his or her children in an English school, even in the public system in Quebec.

I mention this here because it will be influence the rest of my talk.

Quebec's school system generally has changed little since the late 1960s. The public school system is essentially based on a form of confessional duality. From the Ministère de l'Éducation right down to the schools, the structure is essentially confessional. There is one Deputy Minister for Catholic education, and another for Protestant education. The Conseil supérieur de l'Éducation, which makes recommendations to the ministry, contains a Catholic committee and a Protestant committee—each with authority over certain regulations, especially the accreditation of material for use in Catholic or Protestant schools.

School boards in Quebec are also usually Catholic or Protestant, and the two systems overlap.

As attitudes in Quebec changed, as the public began to realize that the Protestant system in particular was not very homogeneous in confessional terms, and as recognition grew that more and more parents of students in the Catholic system were demanding a curriculum with no confessional content, the previous government launched a major debate in 1982 on sweeping changes to school structures and a full review of the legislation governing primary and secondary education in Quebec.

In the initial stage of this debate, and even as the first draft of the bill now known as "Bill 40" was being tabled, the government, with fairly broad public support, planned to revamp all of Quebec's school systems to create a single system of non-confessional school boards, with linguistic committees to give the anglophone minority direct control over the administration of English schools in each area.

After two years of debate, the perpetual language issue in Quebec and the change in attitudes toward confessional schools have shifted the political perspective in a totally different direction, toward a new school structure that replaces Catholic or Protestant confessional school boards with linguistic—that is, French or English—school boards. The draft legislation would create two overlapping types of school boards or systems, while retaining the rights some school boards were guaranteed within their 1867 boundaries by section 93 of the 1867 Constitution. This specifically involved the Montreal area, Quebec City area and a few dissenting school boards across the province.

The goal was basically to reorganize schools along language lines and drop the purely confessional structure.

This bill was not intended to completely eliminate the right to Catholic or Protestant educational services and still preserved the Catholic and Protestant committee structure on the Conseil supérieur de l'Éducation, although it did limit these committees' powers, especially over instructional material: their power to approve textbooks or materials would now apply only to those used for religious education.

Although the school boards became non-confessional, the bill did allow extension of confessional status for traditionally Catholic or Protestant schools for three years, after which a procedure would be introduced for retaining or revising a school's confessional status.

The bill also stipulated that the new school boards must offer Catholic or Protestant religious education, as well as moral education, where so requested by students or parents.

Another purpose of this bill was to eliminate the rather artificial division in the administration of primary and secondary schools that continued to apply in most regions of the province where local school boards managed primary schools and regional school boards, created in 1964 or 1965, managed the secondary system. Since most regional boards, with few exceptions, were basically a grouping of local school board members, the complexity of these structures actually impeded full integration of school administration at all levels.

Bill 3 also introduced a range of values that could vary from school to school, creating the concept of an educational project that could be singular and confessional, pluralistic and confessional, or squarely non-confessional.

After passage in the late fall of 1984, this legislation was quickly contested by Montreal-area Protestant and Catholic school boards, which argued that this bill denied them rights guaranteed by section 93 of the Canadian Constitution. The central issue was retention of the jurisdictional boundaries set in 1867 for the confessional school boards. Some school boards, including the Montreal Catholic School Board, claimed that their confessional status was protected by section 93 of the Canadian Constitution and that this protection should extend not only to the territory defined in 1867 but also to the entire territory covered at the time of passage of Bill 3.

The bill was eventually contested before the Superior Court of Quebec, which a few months later upheld the school boards' argument and ruled Bill 3 unconstitutional, especially because it strayed from section 93 of the Canadian Constitution. The Court also issued an injunction, which in practice was equivalent to an order banning application of this act pending a final decision on the issue.

So the fate of this new legislation will probably be decided by the Supreme Court when it eventually rules on the scope of the protection afforded by section 93 of the Canadian Constitution. This has raised certain problems that probably did not occur to those who contested Bill 3. To fully appreciate the situation, let's look at the situation prevailing before passage of Bill 3, the same situation that still applies today.

In Quebec, there are two systems, one Catholic, the other Protestant, each with an obligation to provide education in French for the vast majority and education in English for students so entitled under the law. So these two systems are broken down into subsystems. For the moment, it is pretty safe to say that the Protestant system serves between 30 and 40 percent of francophone students. The Catholic system also serves an anglophone clientele, and this applies to most areas of Quebec. In my hometown of Trois-Rivières, a local Catholic school board serves a vast majority of Francophones but also provides education in English to a so-called Catholic clientele. In the same municipality, a regional school board provides secondary education to most of the region in French, but also serves an English Catholic minority in a small school. But there is also a Protestant school board, which initially served an anglophone majority but now serves a mixed population of Anglophones and Francophones.

Under this system, because the rights guaranteed by section 93 of the Canadian Constitution have been maintained, Francophones may soon become the majority in the Protestant system. For the moment, however, French-speaking students registered in the Protestant system have no direct voice in the management of this school board, which is still largely controlled by Anglophones. And the opposite is true in the Catholic system.

This legislation is, of course, based on the traditions of both the francophone Catholic population and the anglophone Protestant minority.

It should be remembered that the goal of this bill was to make schools more pluralistic, in religious terms, where the local situation allowed, while preserving the control by both Francophones and Anglophones. This legislation is now stalled and the planned changes to Quebec's schools are also, in my opinion, stalled, for a few years at least. And we are caught in a situation of rather serious political contradictions. First, as you know, Quebec residents are protected not only by the Canadian Charter of Rights, but also by the Quebec Charter of Rights and Freedoms; both guarantee the right to freedom of conscience and freedom of religion, as well as the right to equality.

Section 93 of the Canadian Constitution thwarts, especially in the Montreal and Quebec City regions, the introduction of school structures to meet the objectives set down in the Charters. Of course, the Canadian Charter already stipulates a reservation on the rights and privileges guaranteed by section 93 of the Canadian Constitution. But this stand-off means that the Government of Quebec has now been forced to remove the Loi du Ministère de l'Éducation, Loi du Conseil supérieur de l'Éducation and Loi de l'Instruction publique from the protection of the freedom of conscience and freedom of religion provided by the Canadian and Quebec Charters, in order to preserve this legislation in its present form.

You now understand the crucial issue facing Quebec and the CEQ. For many years now, we have pushed for school reform in Quebec to establish a single system of school boards. In the most recent debate on school reform in Quebec, we expressed our agreement with the conversion of confessional school boards into linguistic school boards and we now find it necessary to urge the Government of Quebec and the Government of Canada to amend section 93 of the Canadian Constitution if we are to unjam the debate on school structures in Quebec and progress toward a modern, open, pluralistic school system open to all.

Thank you.

Raymond Johnston has been Vice-President of the Centrale de l'enseignement du Québec (CEQ) since 1982. In this capacity, he is responsible for matters related to legal, language and educational issues at the CEQ.

MANAGING ENGLISH SCHOOLS IN QUEBEC

Translation of an address by Harvey Weiner

I think it is worth taking a few minutes to tie my subject in with Raymond Johnston's statements. The Constitution Act of 1967, which provides guarantees for some Canadians is, oddly enough, as mentioned, a source of considerable insecurity for others. In Quebec today, as Raymond has just said, there are two systems of school boards, one Protestant and the other Catholic. However, because of the many cases now before the courts or under appeal, and not just those involving Bill 3, we may in fact see the creation of four systems: French-language Catholic; English-language Catholic; French-language Protestant; and English-language Protestant. I think it is important to remember this situation, since the anglophone minority served by the Protestant school boards is in fact a majority, although a shrinking majority, and since a minority of Francophones attend schools administered by Protestant boards in a province where Francophones form the majority. The opposite is true in the Catholic system: a minority of Anglophones and a very large majority of Francophones. I consider this fact very important when studying the issue of English schools in Quebec. My discussion will not be limited exclusively to this aspect, because I believe it is also important to consider the presence of the francophone minority in the Protestant school boards and the management of their schools.

A key element here is that 10 years ago, the Protestant education system in Quebec was almost exclusively English-language. Over the last 10 years, however, with the drop in the birth rate in Quebec, the effects of Bill 101, the percentage of young people required to register in French-language schools because of Bill 101, those joining the system because of increased immigration from French-speaking countries, and greater numbers of immigrants required to attend French schools, our system—by that I mean the system in which I work, the Protestant system—has experienced rapid growth.

The demographic projections of at least one school board, the Greater Montreal School Board, indicate that the total number of pupils in French-language schools could well exceed the number in English-language schools in just five to seven years. Some say it will happen even sooner.

So when we talk about the organization and management of services available to English-language schools in Quebec, it is difficult to draw conclusions that apply to the province as a whole. Services vary from one school board to the next, depending on the number of students enrolled in English-language programs.

Let's look for a moment at the political basis for school boards, because there are problems with this as well. School board members are not elected on the basis of their linguistic knowledge or background. Catholics may serve as members on and vote for Catholic school boards, while non-Catholics may serve as members on and vote for Protestant school boards.

In the majority of cases, most if not all members of Catholic school boards are Francophones while Anglophones still predominate to an almost equal extent in Protestant school boards. These members, most of whom are unilingual, are responsible for decisions affecting the educational and administrative needs of both the majority and minority language groups served by these school boards.

This fact occasionally creates situations where misunderstandings, tensions and defiance over decisions surface, usually without obvious ill-will or prejudice. However, board members find it hard to remain objective when faced with the difficult choices now brought on by declining enrolment and the subsequent budget cuts, a problem common to all Canadians, including Quebeckers. More questions are being asked by the anglophone and francophone minorities in both Protestant and Catholic school boards.

Allow me for a moment to discuss the situation of the francophone minority in our Protestant school boards. Some parents who send their children to French-language Protestant schools are increasingly concerned about the facilities and quality of services available to them. Demands for improved administrative and educational services, as well as new schools, for students attending French-language schools creates internal pressures in school boards. It should be noted that in 1975, fewer than 2,200 students of the total 125,000 registered with Protestant school boards attended French-language schools, and such schools were very few in number. In 1985-1986, more than 14,000 students of the total 80,000 were enrolled in French schools and 58 of the 277 schools in the Protestant sector were French schools. This number continues to grow.

It should also be noted that these figures exclude French immersion classes and schools. These classes and schools are considered part of the English system by the Quebec Ministry of Education.

It is significant that the Protestant School Board of Greater Montreal has now divided its administration and management into four major regions, three English-speaking and one French-speaking. According to my information, creation of a second French region is under consideration.

The French sector has a director and three assistant directors, one of whom is attached to support services, another to personnel and the third to student services. Education advisors who are bilingual—and many are—provide overlapping services to both English and French schools. The other Protestant school boards, which do not serve as many francophone students as the Greater Montreal board, are also upgrading services.

It is quite clear that the confessional school board structure poses an increasing number of problems in a society where the percentage of Catholics and non-Protestants is rising

Since 1966, the Protestant system has done its best to adjust to changing cultural and linguistic, as well as religious, circumstances. The tradition of open-mindedness in Protestant school boards is based on dialogue.

No adherence to a specific denominational faith is expected. This has allowed other members of the community to join the system without fear of their children being indoctrinated. Jews, Moslems, Hindus and others have in the past tended to choose Protestant rather than Catholic public schools.

However, many anomalies and abnormalities persist. In 1903, the Quebec Legislative Assembly passed an act classifying Jews as Protestants to allow them to attend Protestant schools. But the Supreme Court of Canada's decision in a 1926 landmark case defined a Protestant as a member or adherent of Christian organizations that emerged from the 16th-century reformation, thus ending the classification of Jews as Protestants for education purposes. In 1982, the Privy Council in London decreed that the Quebec Act of 1903 was unconstitutional and ruled that the word Protestant, as used in the Consolidated Statutes of 1861, could not be interpreted as simply meaning non-Catholic. More recently, in the 1955 Perron decision, the Quebec Court of Appeal ruled that a Jehovah's Witness could claim to be Protestant because all this required was that he be Christian and repudiate the Pope's authority.

Despite these differing legal opinions and faced with religious, linguistic and cultural diversity, the Protestant school boards kept their doors open to all, and this is important. In 1980-1981, almost 30 percent of the school population in Protestant schools in Quebec was not Protestant. On the Island of Montreal this percentage climbed to about 50 percent. With the 1987 decision on Bill 3 in Quebec, it is still legally impossible for a public school to be designated neutral or common, even if parents prefer this option, as is the case in many areas, particularly on the Island of Montreal. A school must be either Catholic or Protestant. Judge Deschamps' decision in the Notre-Dame-des-Neiges elementary school case is very clear on this interpretation.

This creates situations where, for example, in a modern society such as Quebec, in North America, editorialists with The Gazette must write editorials on bizarre situations, as on 21 January, and I quote: "Non-Christians without children in school will have to register for board elections five months before anyone else. This registration will at the very least be inconvenient for thousands of people including Jews, Moslems, Hindus and members of other faiths. To qualify for voting in the coming November 15th election, they will have to write two letters before April 1st, one each to Catholic and Protestant school boards, informing them in which board elections they intend to vote. Even if would-be voters find out about this April 1st deadline, it is unlikely that many are going to tangle themselves in red tape and send off the two letters. The double standard appears to be the result of a laudable attempt last May by the Bourassa government to remove from a Parti Québécois law, certain discriminatory clauses that prevented non-Christians from voting in all confessional board elections. The Government evidently overlooked the need to change the enumeration date for non-Christians without children in school."

So, based on the present structures, we can say that with few exceptions, Protestant schools operate as common schools, while the Catholic schools, although a little less homogeneous than in the past, tend to remain Catholic. Attempts to legislate changes appear to be matters for the distant, rather than the immediate, future.

It is interesting to note that Bill 3 has in fact had some effect, especially, I think for the English Catholic minority where the situation is quite different, because the structures are lacking. In preparation for the introduction of Bill 3, some Catholic school boards began to reorganize the number of anglophone administrators and educational advisors. They wanted to give this minority group more clout in the new anglophone school boards. With this in mind, they increased the representation of Catholic anglophones on these school boards. For example, the Jérôme-Le Royer School Board increased the number of managers in personnel from 1 in 1984 to 3 in 1986, despite a decline in student enrolment of almost 10 percent over this period. At the Sault St-Louis School Board, the number of educational advisors increased from 3 to 4, again despite a decline in student enrolment of more than 12 percent.

In the Montreal Catholic School Board, the anglophone sector also dropped by 12 percent between 1984 and 1986, but senior anglophone staff remained at 12.

It should be noted that the number of students in these Catholic sectors dropped considerably between 1975-1976 and 1986-1987. The anglophone sector numbered 40,000 in 1975, but had dropped to 14,700 in 1985.

Does educating minorities cost more? This question was asked earlier this morning. According to our Minister of Education, the answer is in fact, yes. The director of district no. 3 of the Montreal Catholic School Board, English sector, placed the real difference in spending per student by his board at $30 more, 10 years ago. Despite inflation, this difference dropped to $17 in 1983-1984 and to about $7 this year. The director also stated that the English-language sector of Catholic school boards has had to make more than its share of compromises in recent years.

This situation is common throughout the Catholic sector, except in the Baldwin-Cartier School Board, where a strict balance exists between anglophone and francophone students.

There is another problem in the English Catholic sector, because outside the Greater Montreal region, the absence of English Catholic schools, combined with reindexing of services each year, increases the number of English-speaking Catholic students enrolled in Protestant schools. And these transfers require that parents sign a written statement indicating that their religion is other than Catholic.

In other cases, Protestant school boards have signed agreements with Catholic school boards to provide education to a small number of English Catholic students. Such agreements obviously include Catholic religious education. Some agreements have been well received by the Catholic population, others not.

In Quebec, some claim the system is decentralized. It is decentralized in one sense, but very centralized in other ways. Almost 95 percent of the financing comes from the Quebec government. Thus the draft legislation was discussed in light of the problems affecting access to services identified by the English-speaking minority at the time when Bill 40 became Bill 3. The PQ government decided to study the issue of services at the provincial level for the anglophone minority, and decided to revise the services available to Anglophones, which were and continue to be very poor, especially outside the Island of Montreal. The government also decided to draw up recommendations to improve the situation and these changes had to be incorporated into this legislative plan to structure the school boards along language lines.

So although this Act is still before the courts, some of the problems identified have resulted in creation of the Anglophone Educational Services Branch, which began to make its mark by addressing the needs and problems of English-language education in Quebec, and especially in rural areas.

The major problems were identified by the study, and I think they are similar to those affecting the francophone minority in the rest of Canada: 1) lack of adequate representation in the Ministry of Education; 2) lack of participation in developments and initiation of educational program policy objectives; and 3) translation and education adaptation services, as well as changes in the program coming out of the Ministry of Education.

So it is quite clear that since the Branch was created just recently, there is still much to accomplish. In a brief from the new Branch to the Ministry office, the wishes of the anglophone community were summed up in these words: "The anglophone community will agree to a single structure for defining the general orientations and goals of the system, since it fully understands that these major factors must be the same for all Quebeckers. Anglophones also accept the services offered for managing the material and financial systems, although they lament a characteristic absence of their group in key positions, which effectively precludes them from dealing with ministries in their own language. However, in administrative units specifically mandated to convert these major policy lines into concrete action, most Anglophones believe that at the implementation stage, practical operations should be handled by anglophones who are fully versant with the objectives and have a perfect knowledge of the specific needs of their community."

Since that time, 14 people have been appointed or hired to meet the specific needs of the anglophone community in the various administrative regions of Quebec, which number 11 in all. The main recommendation for the Anglophone Services Branch includes the creation of new positions to be filled by Anglophones at the following levels: Advisor to the Assistant Deputy Minister of Educational Planning and Development - Catholic Education Branch - Protestant Education Branch - Didactic Network Evaluation Directorate - Adult Education Directorate.

Although budget restrictions will delay implementation of these recommendations for some time, the Ministry of Education appears to be aware of the problems.

In brief, then, it is quite clear that major structural changes are still necessary in Quebec to ensure survival of a viable English-language school system. The present structures and services are far from satisfactory in many cases. Some problems will have to be solved, such as the cases to be heard in court, and the absence of common, clearly defined stands supported by the anglophone community.

The improvements possible depend largely on our ability to obtain constitutional amendments that will permit reorganization of school boards along language lines, and this path is obviously rife with difficulties. Our association, the Provincial Association of Protestant Teachers, and a certain number of other organizations representing educators and those interested in the future of public schools in Quebec, have petitioned both the Prime Minister of Canada and the Premier of Quebec to add this subject to the agenda for the next round of constitutional talks between Quebec and the federal government.

Of course, our success will depend on the will of these organizations, which represent the diverse interests of the community, to set aside their differences and try for once to find the common ground that is essential if we are to find acceptable solutions to the problems facing us.

In this way, I believe we can ensure the existence of a dynamic English-language education system in the Quebec of tomorrow.

Thank you.

Harvey Weiner is President of the Provincial Association of Protestant Teachers (Quebec) and a member of the Board of Directors of Alliance Québec.

Harvey Weiner est président de l'Association provinciale des enseignantes et des enseignants protestants du Québec et est membre du Conseil d'administration d'Alliance Québec.

THE MANAGEMENT OF FRENCH-LANGUAGE SCHOOLS IN MANITOBA

Translation of an address by Armand Bédard

Following creation of the Comité directeur des structures scolaires du Manitoba (CDSS) in 1979, the two member organizations, the Fédération provinciale des comités de parents and the Société franco-manitobaine, commissioned a study on the forms of school management liable to meet the requirements of the Franco-Manitoban situation.

In response to the demands of francophone communities across Canada, the federal Parliament in 1982 drafted section 23 of the Canadian Charter of Rights and Freedoms to serve as the basis for minority demands for schools in most provinces.

The battle has now been renewed in Manitoba. The CDSS has decided to join forces with other organizations working in the field of French-language education to increase its political clout. With the entry of board members, educators and young people in 1985, the CDSS redefined itself as an advisory body to these organizations.

In anticipation of possible confrontations with provincial authorities and in order to avoid compromising the original mandates of these organizations, CDSS granted the Fédération des parents responsibility for the legal aspects, and the Société franco-manitobaine responsibility for political matters.

Over the last two years, the Committee has built up a consensus within the francophone community on public education and has conducted protracted negotiations with the Government of Manitoba to obtain the right to manage Franco-Manitoban schools.

In September 1986, the five organizations reached the same conclusion: there was no political will in Manitoba to change the Public Schools Act and entrust management to the minority.

This finding was reached after 18 months of talks with the Department of Education, meetings with the Opposition parties and pressure groups representing all Manitoban school board members and teachers.

Yet the CDSS had not come to the table empty-handed. On two occasions during the year, the five organizations increased the body of people consulted to develop a management model that would meet the needs of children, parents and Franco-Manitoban taxpayers. They demonstrated that there was a consensus within the community on long-term educational objectives.

The CDSS also prepared its own draft of amendments to the Public Schools Act to bring it into compliance with section 23 of the Charter. This first revision of some sections of the act seemed to please Franco-Manitobans and will soon be the subject of a new study.

For the Comité directeur des structures scolaires, 1986 was marked by the filing in Court of Queen's Bench of an action against the Province of Manitoba.

Hearings did not begin in the year just ended, but filing of the petition in September 1986 marked a turning point in the demands of Manitoba's francophone minority for management of its schools.

The start of this case signifies for CDSS member organizations a break in political negotiations with the Manitoba Council of Ministers. The talks ended in early fall when the Minister of Education announced his government's intention not to propose amendment of the Public Schools Act to bring it into compliance with the Charter of Rights and Freedoms.

Following consultations with their members, the Franco-Manitoban organizations set out in 1986 the general terms of an amendment to the Public Schools Act to permit the grouping of Franco-Manitoban schools into distinct administrative units, managed by the minority.

Last week, the government announced that it was prepared to submit the entire issue of minority education rights to the Manitoba Court of Appeal. This would constitute a reference, the method used in Ontario in 1984.

At present, the Fédération provinciale des comités de parents (FPCP), in conjunction with the four other CDSS member organizations, prepared to formulate issues for submission of its case to the Court of Appeal.

The issues on which FPCP and the Crown must agree are primarily those involving:

1) management by and for the minority;

2) definition of independent school establishments;

3) the legality of restrictions placed on French-language education rights with regard to numbers.

The FPCP is a member of the Commission nationale des parents francophones (CNPF), a national organization consisting of the 11 provincial and territorial associations. The Fédération des comités de parents du Québec sits as a special member, offering moral support while recognizing that the 10 "others" face special problems.

From its founding, especially due to a lack of funding ($28,000 for a national organization in 1986-1987), the CNPF has focused primarily on exchanges and pooling.

This has allowed us to observe and assess:

1) common problems in education;

2) the lack of organization;

3) the lack of concerted action at the national level;

4) the lack of financing;

5) the fact our organizations work on an ad hoc basis in the area of recognition of minority rights.

It is clear that at the provincial and federal levels, there is a lack of political will. On both sides there is a lack of generosity—generosity in financing and especially legal generosity—in the full recognition of minority language rights.

First, nine provinces signed the Charter of Rights and Freedoms in 1982. Yet some still refuse to comply with the Charter's requirements on education rights. Furthermore, the federal government is not forcing the provinces to respect the rights entrenched in the Charter of Rights and Freedoms. For this reason, many parents' organizations across the country have turned or are preparing to turn to the courts.

It goes without saying that this situation places parents in a difficult position: little funding, recalcitrant provincial governments and a federal government that won't put teeth in its constitution.

In November 1986, as a special project, the CNPF organized a national seminar in Montreal. This meeting attracted more than 100 delegates from all parent organizations across Canada.

In addition to sharing information, strengthening the common will and making the obvious statements, delegates reached the following conclusions:

1) The CNPF must agitate for a federal-provincial conference of first ministers and Ministers of Education to attempt to solve all of these issues at the political level, on a nation-wide basis;

2) Parents' organizations working at the provincial level must negotiate the necessary budgets for suitable operations, budgets in proportion to their projects and activities.

Some four provincial organizations are skipping from court to court at present. Surely with a firm political will by both the provinces and the federal government, there should be a way to obtain compliance with the Charter of Rights and Freedoms, which will be five years old on 18 April 1987.

Thank you.

Armand Bédard is Director General of the Fédération provinciale des comités de parents in Manitoba.

THE SCHOOL BOARD WITH GUARANTEED PROPORTIONAL REPRESENTATION

Translation of an address by Rodrigue Landriault

This national symposium and exchange of information will undoubtedly contribute to a better understanding of the specific situations in Canada's various regions, and permit appropriate action to achieve management of francophone schools by Francophones.

With regard to Ontario, I can tell you that I have had the opportunity to meet the people from my province who are delegates here—the president of the Association des conseils scolaires français de l'Ontario, the president of the Enseignants franco-ontariens and a representative of the Association des surintendants francophones. So the matter is receiving close attention.

This afternoon, I would like to briefly discuss the concept of guaranteed proportional francophone representation, and sketch an historical outline of progress on this matter in Ontario. I will talk about Bill 75, of course, the new act that will govern guaranteed representation in Ontario, and I will also touch on the very recent Roy Report which calls for a single-language school board for Ottawa-Carleton by 1988.

When discussing school boards with guaranteed proportional francophone representation, a few basic points must be kept in mind. First, such boards are bilingual. Francophones participate within established structures, alongside Anglophones, so the structures are by nature bilingual.

Representation of the francophone population, I can assure you, cannot always be guaranteed by democratic elections because of the numbers involved.

Francophone representation will be proportional and the important question is what will serve as the basis for this proportion. It could be based on assessment, taxes, number of taxpayers, enrolment, or a number of other methods that come to mind.

Finally, we must examine the jurisdiction and powers entrusted to the francophone component within the board, since a section or group of elected members who sit with only limited or even no powers would constitute nothing more than an advisory body and, in my opinion, would not transfer real management powers to Francophones and thus would not comply with the Charter of Rights and Freedoms. Special attention must be paid to finances, since we all know that financing is very important in school boards.

Let me give a brief history of the situation in Ontario: elementary and secondary education in Ontario is financed through both government grants and local taxes. It differs from New Brunswick, where all financing comes directly from government. The Education Act and the Constitution make provision for two systems financed from taxes, with the right to levy those

taxes. The system usually referred to as public is a non-confessional system that others often call a neutral system; the separate school system may be Catholic or Protestant.

In practice, the separate system in Ontario is Catholic since the Protestants have generally supported and identified with the public system.

Ontario has always provided education in French to francophone pupils at the elementary level. Except for a period at the start of the century, when Regulation 17, for those who know the history of Ontario, was passed to restrict French-language education. The Regulation became outdated and was finally repealed a few years later. Until the early 1960s, English was the only language of education at the secondary level in Ontario, except for the teaching of French as a discipline or subject.

Since 1963-1964, measures have been introduced to allow French-language education in Ontario high schools. Part II of the Education Act covers French-language education in Ontario, at both the elementary and secondary levels. These provisions apply to both of the education systems financed from the public treasury, the public and separate systems.

At the time of Confederation, the separate schools were largely French, since most Catholics in Ontario were Francophones. The situation changed over the years, and immigration and assimilation have made the situation different today.

Faced with the financial problems of private schools and parents' difficulties in paying the costs of schooling, the government of the day proposed the creation of French-language high schools within the public system. This was the situation I described to you a moment ago, which still prevails. To ensure the survival of its high schools, the francophone community accepted this offer, and this resulted in the creation of French-language high schools with full grants and tax funding equal to other high schools. Catholics even had the right to some representation in public schools since, at the secondary level, their taxes were financing these schools.

As I mentioned a moment ago, not all Catholics in Ontario are Francophones, so in some boards, English Catholics were elected to oversee management of the taxes paid by Catholic taxpayers to the public system at the secondary level, where there were francophone students. Of course, there were also Anglophones in the public system, but French-language high schools were occasionally managed by English-speaking Catholics.

An attempt was made to correct the situation by creating advisory committees. A Languages of Instruction Commission of Ontario was established, but its powers were limited to mediation, not decision-making.

The end result was a division of the francophone community. Most pupils at the elementary level attended separate schools, with only a few in the public system, while secondary students were in the public system.

For many years now, English and French Catholics have been demanding full funding for their system, to create Catholic high schools leading to senior matriculation. And at the same time, Francophones began to dream of a French-language system with its own financing and management.

In 1976, for the first time, a study of the Regional Municipality of Ottawa-Carleton recognized the demands of Francophones for self-management. In 1979, a government green paper established the criterion of language for the election of school board members. This was the first recognition of this fact in Ontario. In 1982, another step was taken (this period was characterized by "government by small steps"): there was talk of decision-making powers, the very first suggestion of granting such powers to Francophones.

In 1983, the Government of Ontario announced its intention of amending the Education Act with regard to the right to education in French, the management of schools in boards of education with clearly defined minority-language groups, and the procedure to be used by the Minister of Education and school boards when a board refuses to act on recommendations of the Languages of Instruction Commission.

This brings us to a turning point for all provinces: the Constitution Act of 1982, including the Canadian Charter of Rights and Freedoms, which took effect on 17 April 1982. Sections 23 and 29 of the Charter uphold the rights and privileges of separate and other confessional schools.

The jurisdiction of the Ontario Legislative Assembly over the existing provisions of the Education Act and the proposed measures for application of the policies contained in the 1983 green paper was cast into doubt. The validity of discretionary power was questioned, as was the absence of a provision giving minority-language citizens the right to manage and finance their own French-language classes and educational institutions for the instruction of their children. Questions were also raised as to whether the Ontario Legislative Assembly was empowered to amend the Education Act to ensure the election of minority-language school board members to Catholic separate school boards, to grant them exclusive responsibility over the minority-language sections of these school boards.

What is remarkable about the Ontario Court of Appeal's decision is that it was unanimous—one decision by five judges. There was no dissenting opinion in the decision to find for the francophone applicants. The Court ruled that the sections in question were not in compliance with the Charter, and that the Education Act violated the Charter.

The Court of Appeal attacked the restrictions of the Education Act on the number of students required to set up classes or courses, the discretionary powers of school boards over French-language education and the restrictions resulting from zones dividing Francophones in school board districts.

On the issue of the accountability of the Charter of Rights and Freedoms, since it does not grant management rights to the francophone minority in

Ontario which has the right to educate its children in the French language, the Court ruled that the Charter covers more than French-language teachers in classrooms where courses are given to francophone students. The Court based its decision on an Ontario report dating back a few years, the Simon Report, which defined a French school as an environment in which francophones students have greater opportunity to learn, assert and develop their culture and heritage. School plays a central role in the cultural life of a linguistic minority. French-language schools must truly be schools serving their community, easily accessible to the entire population belonging to the language group for which they were established. The Simon Commission shared the conviction of many Franco-Ontarians that the establishment of French-language schools in which the language of communication and administration was French was best suited to the need to preserve the language and culture as well as the customs of francophone students.

The Court therefore found that minority-language students must receive instruction in institutions where the school environment is that of the linguistic minority. Only under such circumstances can it be claimed that these institutions reflect the minority culture and truly belong to the minority.

The legislature therefore has an obligation to provide educational institutions that can objectively be described as those of the linguistic minority, or aimed at that minority, and can be considered as part of the minority's social and cultural structure. Without prescribing legislative terms, which courts never do, the Court recognized that the quality of education provided to the minority must equal that provided to the majority, that representation of linguistic minorities on school boards and other management bodies must be guaranteed and that the powers of representatives must be exclusive in decisions relating to the provision of education in the minority language, such as assignment of funding, appointments and management of administrative and teaching staff. The Court also indicated that this decision applied to both existing school systems.

A short time later, the Province of Ontario passed Bill 119 recognizing the right of Francophones to education in French and stipulating that school boards must pay transportation and even boarding costs to provide this education.

The francophone community then passed through a series of bills: Bill 160, Bill 28 and a leadership convention for the Conservatives, the party then in power, which seriously delayed progress on these matters.

With the arrival of the Liberal government two years ago, the Minister tabled Bill 75, after consultation. At the same time, he announced that he was willing to consider a French-language school board for the Region of Ottawa-Carleton, to include Francophones from the four existing boards in this area, representing some 18,000 elementary and secondary students.

The Roy Commission, as I mentioned earlier, submitted its report about 10 days ago.

Until there is action and change based on this report, the entire province is subject to Bill 75, initially the interim measures in force from January 1987 until the 1988 elections. After that, permanent measures will apply unless special provisions are added, as is hoped for Ottawa-Carleton.

What does Bill 75 contain in response to the Court of Appeal decision? First, it adopts section 23 of the Charter to define a francophone student or taxpayer. If a school board has 10 or more taxpayers entitled to French-language education under section 23, and if these taxpayers so request, this board must create a nine-member French-language advisory committee. The chairman of this committee will be empowered to sit at board meetings in the same capacity as a board member and to participate in discussion of matters falling within his jurisdiction. He may therefore submit recommendations and take part in debates. This applies to boards with small numbers of Francophones.

Where 10 percent or 285 students in a board are Francophones, or if there is an existing French-language module (school, class, building), a French-language section must be created, with a minimum of three elected members with the same power as other board members. These members will have exclusive jurisdiction over matters specified in the Act and will participate with other members in decisions over matters of common interest.

The French section will have exclusive, inalienable jurisdiction, which may not be abandoned. However, some transfers of jurisdiction may be negotiated, but others will remain prohibited. What are these areas? Planning for creation of French-language school modules, including preparation and submission of spending forecasts for capital investment, administration and closing of classrooms and schools, school modules, planning, creation, implementation and delivery of programs, recruiting and assignment of teachers and administrative staff, supervision of French-language school modules, letting of contracts for facilities and services, courses for certain students, basic adult education, and anything that affects students attending French-language modules are all the responsibility of the French section.

What are the advantages of a board with guaranteed proportional francophone representation? Of course, there is the guarantee of proportional representation, by at least three persons.

There is also the advantage of participating in an existing school board, with structures and resources already in place.

The disadvantages are a lack of exclusive power, especially over finances, since the tax rate remains a matter of joint interest, and the problems of interpreting what the Act means. It is very new, so it is too early for a final judgment. And of course, elected francophone board members generally remain in the minority in many decisions, especially joint decisions, where all members vote.

What does the future hold? Personally, I think proportional representation in Ontario is just a bridge, a temporary measure that will eventually lead to single-language boards in many regions, that respect religious rights.

The Minister of Education has also promised a province-wide study on the possibility of combining francophones now under different boards in different counties into a single board.

Such a study is already underway in Prescott-Russell. No one knows what findings it will make, but the Minister wants to develop local solutions because the situation varies in different areas of the province.

Thank you.

Rodrigue Landriault has devoted a good part of his professional and personal life to advancement of the francophone cause in Ontario. He was Chairman of the Carleton Roman Catholic Separate School Board in 1978 and 1982, and President of the Association des conseillers de langue française de l'Ontario from 1984 to 1986.

W O R K S H O P S

On two occasions during the seminar, participants separated into workshops to discuss their specific situations. Excerpts of these workshops follow. Where the ideas, questions and suggestions discussed apply to a specific province or territory, this has been indicated.

It should be noted that all suggestions or ideas expressed by the participants will be carefully studied by the French Language Commission next year and, where appropriate, recommendations will be made to the proper authorities.

Several workshops discussed school boards set up on confessional rather than language lines:

- "A school board based on language appears to provide better protection for the rights of Francophones than a school board set up on a confessional basis."

- "Could a confessional school board be one way for the majority to withhold management of schools from the minority?"

- "Parents do, however, have a right to demand an education system that meets their religious needs."

- "A distinct philosophy is conveyed through the entire curriculum in a Catholic school."

- "The important point is to know what parents want and to meet their needs."

- "Assimilation threatens our francophone identity, not our religious identity."

- "What is the fundamental difference between a French-language separate school and a French-language public school?"

- "The religion course is part of the curriculum in Catholic schools."

- "In Quebec, the obstacle to a language-based school organization is the religious guarantees in the Constitution. Political pressure must therefore be maintained to obtain a school system that guarantees language rights first and foremost."

Many spoke of the importance of participation by the public and francophone parents:

- "It is important to identify those parents who demand French schools and the right to manage those schools."

- "Whose role is it to make the francophone population aware?"

- "Too little use is made of marketing specialists to sell our needs to both Anglophones and Francophones."

- "Before increasing public awareness, it is important that Francophones clearly and very specifically identify their needs and how to meet them."

- "The battle for management of French-language schools demands a very serious commitment and enormous perseverance from francophone parents."

- "The management of French-language schools requires a community, cultural, political and economic infrastructure."

- "We must rely on the influential elements of the francophone community and use these elements to set up a strong and committed association of parents."

- "Much emphasis must be placed on the three 'C's—Communication, Consciousness-raising and Concerted action."

- "It is vital that each person become personally involved, show some initiative, and not depend on the goodwill of others."

- "It is extremely important that the francophone public want to manage its schools; without this, we are working in a vacuum."

- "Following the Manitoba Court of Appeal decision, how will the anglophone and francophone public react? All agree that every means should be employed to keep the people affected by the changes well informed.

- "In Saskatchewan, we would prefer a large school board to manage all French-language schools in the province. The members of this school board would be chosen by Francophones from the various regions and one of their responsibilities would be to recruit and hire francophone staff. At the École Canadienne-Française de Saskatoon, parents have the right to reject a teacher who does not meet the school's criteria."

- "In Saskatchewan, there is a great need to inform the public on the needs of Francophones. It is also very important to seek the support of groups such as the Saskatchewan School Trustees' Association, the Saskatchewan Teachers' Federation, Canadian Parents for French, the League of Educational Administrators, Directors and Superintendents, and the Saskatchewan Federation of Home and School Associations. Without this support, it is very difficult to advance the cause of management of French-language schools."

Participants discussed the role the various levels of government must play:

- "One of the major factors in guaranteeing Francophones management of their schools is a cadre of francophone public servants who support our cause."

- "Who currently decides the culture and knowledge to be taught our children? The Departments of Education. How many francophone public servants work in these departments?"

- "Many provincial governments remain unconvinced that Francophones are succumbing to assimilation. Nor are they convinced that Francophones have special needs that cannot be met by immersion."

- "Governments have a responsibility to find original rather than traditional solutions for meeting the needs of Francophones. For example, they might make greater use of distance education to solve the problems of Francophones in isolated centres or regions."

- "Francophones must work at the local, regional and provincial levels to achieve their goals and cannot afford the luxury of neglecting even one of these levels."

- "Governments have a responsibility to arrange for the transportation of some students who must travel, occasionally considerable distances, to attend a French-language educational institution."

- "It is essential that education authorities develop criteria for admission to French-language schools."

- "While recognizing that education is a provincial responsibility, the school system must recognize, first and foremost, the principle of two founding peoples and two official languages in Canada. Given this recognition, the establishment of homogeneous school boards will follow naturally.

- "The Council of Ministers of Education (CMEC) should ensure that school legislation in each province complies with section 23 of the Canadian Charter of Rights and Freedoms, especially with regard to the management of minority school institutions as specified in the unanimous ruling of 26 June 1984 by the Ontario Court of Appeal."

- "The Council of Ministers of Education (CMEC) should set up a task force to examine the entire issue of management of schools of the official-language minority."

- "In Manitoba, consideration should be given to restructuring all school divisions to better meet the needs of Francophones. But it must be realized that such a move would have financial implications and might create serious political fallout for the government."

The issue of immersion and its effects on French-language schools was discussed in depth by some participants:

- "The management we seek is management by Francophones for Francophones, and not for Anglophones who want to learn French."

- "Too many schools offer both classes for Francophones and immersion classes. The two groups should never be placed under the same roof. This situation is good for Anglophones, but not Francophones."

- "Immersion is an obstacle to French-language education because Anglophones are in the majority."

- "The effects of immersion on French-language education should be studied."

- "Francophones in Alberta who attend immersion classes or schools due to a lack of French-language classes or schools are starting to cite section 23 of the Charter to demand a French-language education."

- "Education for Francophones must be an homogeneous education in their first language."

- "The homogeneous school board is the perfect solution. In some situations, however, several stages must be completed first. First, the francophone public must be convinced of the French fact, must discover itself, and take pride in itself. The key words are pride, tolerance, perseverance and pluralism."

- "For Manitoba, it is important to note that in the last 10 years, some French-language schools have lost a large part of their clientele to immersion. Of even greater concern is the fact that some schools that were French-language schools have now become immersion schools."

- "In Manitoba, in St. Boniface, St. Vital and Norwood, there are about 2,500 francophone students. In rural areas, there are between 2,900 and 3,000. Would it be better to create a single school division containing all French-language schools? Or, given the two distinct environments, would it be better to create one division for each?"

- "In Yukon, immersion and French as mother tongue live side by side. This situation is dictated by reality. And meetings of the parents committee in Whitehorse are held in English even though they deal with a school where French as a mother tongue and immersion are taught."

- "The problem of coexistence between French as a mother tongue and immersion can be overcome with plain common sense."

- "For French as a mother tongue and immersion, it is suggested that the curriculum be compatible at any given level.

- "In British Columbia, the practical reality dictates that French as a mother tongue and immersion coexist, often under the same roof."

Other comments by participants:

- "We must identify the positive and negative forces. We must then develop a strategy to fight resistance to management of French-language schools by Francophones."

- "We must all gain a better knowledge of our rights."

- "We must draw up a list of what has been done and is being done in Canada in the battle to win the right to manage our schools, to avoid duplication. We cannot afford the luxury of reinventing the wheel."

- "'Global budgeting', as practised in New Brunswick, appears to be the best method for financing education to ensure that Francophones can manage their schools."

- "Our activists must be so well prepared that they can forestall obstacles."

- "Francophones must learn to place greater value on their language and culture."

- "In Nova Scotia, we find it very difficult to win full management of our French-language schools without passing through transitional stages such as advisory committees, minority boards and guaranteed proportional representation boards. In the long term, we envision three homogeneous boards in the province: one in Clare/Argyle, another in Halifax/Dartmouth and the last in Richmond/Inverness."

- "The provincial governments should provide equitable financing for French-language schools—and by 'equitable', we do not necessarily mean 'equal'."

SUMMARY

Translation of an address by Maurice Bourque
Secretary
French Language Commission

So, friends, we are now down to the final minutes of our seminar. I will not claim for a moment that I can faithfully or even adequately summarize in a few minutes all of the ideas, opinions and suggestions made here since Sunday evening. The very structure or format of the seminar precludes such a summary. I would therefore like to briefly talk about the objectives the Commission set for itself in organizing this seminar. To begin, what is the French Language Commission? It is a forum created by the Canadian Teachers' Federation several years ago to study the special needs and interests of francophone teachers, especially outside Quebec. Over the years, the Commission has submitted a broad range of guidelines to CTF on bilingualism, official languages and the right to education in the French language.

Since CTF has a very large English-language majority, you may appreciate that the discussions were at times long and laborious, but today we are proud of the stands taken by CTF as a result of the Commission's encouragement and persistence. Let me give you several examples. CTF has recognized that Canada's bilingual character is a social, historical and constitutional reality of prime importance to confederation. Many of you at this seminar may have stated the same thing in different terms. CTF has also recognized that equality of rights, conditions and opportunities for Francophones or Anglophones constitutes a major objective that deserves the protection under the laws and Constitution of Canada. Discussion here has often focused on these laws and this Constitution, as well as section 23 of the Charter. CTF has also recognized that the survival and growth of francophone and anglophone communities in Canada and their protection against assimilation constitutes a right that all Canadian authorities must safeguard and respect. Finally, CTF has recognized that school constitutes an instrument of prime importance in maintaining a linguistic community and believes that these communities must have the right to protect and preserve the linguistic and cultural integrity of their schools.

I would now like to outline CTF's policy on the right to French-language education.

First, all Canadians belonging to the French-speaking minority have the right to demand—and I do mean demand—that the children in their trust receive an education in the French language in an homogeneous French-language school.

Second, the same principle applies to those in an English-speaking minority situation.

Third, if access to an homogeneous school is not reasonably possible, access to an homogeneous class must be guaranteed. By access, we mean establishment of this school or class, transportation to and from school and even financial assistance to board the child near school.

I now come to two very important points in the policy, which directly touch on the subject of our seminar. It is up to the government of each province to set the boundaries of areas in which homogeneous French- or English-language schools, classes and school boards are established. And second, each province should have separate school board structures to administer schools where the language of education is that of the official-language minority.

Please note that, in recognition of the provinces' independence in matters of education, we do not specify what these separate structures should be. We simply state that there should be separate structures from one end of the country to the other, and that this is our goal. It is the least we can ask for, the least we can demand.

I am sure you will agree that this is not a bad policy for a federation that is 90 percent anglophone. It is unfortunate the other sectors of our society are not as generous and enlightened.

We invited you to participate in this seminar partly to inform you of CTF's position. We were also convinced that many Francophones and Anglophones have a will and determination to achieve progress in the management of French-language schools in Canada. It is our hope that this seminar has given you some ideas and models which you can now adapt to your specific situations to advance our common cause.

The seminar opened on Sunday evening with an excellent address by Ronald Duhamel who, in addition to outlining the current demands before the Courts based on the Charter and section 23 of the Charter, asked us to consider what is meant by management, what is to be managed, what is meant by control, and what is to be controlled.

Mr. Duhamel told us that the concept of education is different for Francophones and Anglophones. He spoke of the importance of culture in French-language education and explained that what is essential in the French-language program is optional in the other.

Finally, we heard excellent presentations by our resource persons, who brought us up to date on battles waged and won, or those waged and not yet won. And while not downplaying what was said by the other speakers, I particularly liked the list of factors given by Arthur Pinet for maintaining and developing French-language education in a minority situation, and I would like to review them with you. The essential factors are a clearly identified French-speaking population that wants a French-language school system; sufficient clientele for establishing a viable system; the existence of structures for development, operations and communications; equitable and assured financing; separate physical facilities; a competent and

committed teaching staff; solid educational support; a curriculum designed and developed in French by Francophones; educational material well suited to the curriculum; goals and objectives established jointly and expressed simply so everyone may understand them; a school environment that favours a French cultural identity; and finally a sense of the worth of the school clientele.

I believe that if delegates looked for a magic formula for success, this list of factors would take them a long way in the right direction.

It would be unfortunate if a seminar such as this resulted in no action, if all the ideas set forth were soon forgotten. I assure you that will not happen here. The presentations by all our resource persons as well as the reports on all the workshops will be compiled in a summary of the seminar which I will forward to you as soon as possible. But the summary is just the first step. Where workshops have drawn up recommendations or suggestions, these will be studied by the Commission and will be used to develop positions with the proper authorities, through CTF.

And as I mentioned at the start of the seminar, rest assured that the recommendations or suggestions made are not binding on the associations that sent you here. We are well aware of the limits of a seminar such as this.

So there you have it. Before returning the microphone to the Commission's chairperson, let me once again thank the Secretary of State Department for its financial contribution to this seminar. On your behalf, I thank all of the resource persons who agreed to give us a helping hand. I thank the interpreters and especially Paulette Cyr, who had a particularly difficult job yesterday at noon. I thank the members of the French Language Commission and its Executive Committee for agreeing to chair the workshops and finally, I thank you, the participants, for accepting our invitation and joining us. Don't give up, and have a safe trip home!

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